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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
SCHRADER)
) Examiner: J. Rodriguez
Serial No. **10/807,765**)
)
Filing Date: **March 24, 2004**)
)
Confirmation No. **4281**)
) Art Unit: 3653
For: **METHOD OF REMOVING FOOD**)
 PRODUCT DEFECTS FROM A FOOD)
 PRODUCT SLURRY)
)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Assignee, FMC TECHNOLOGIES, INC., having a mailing address of 200 East Randolph Drive, Chicago, IL 60601, verifies through its duly authorized representative that it is the owner of all right, title and interest in United States Patent Application Serial No. 10/807,765 (hereinafter "the '765 Patent Application") and has remained owner of all right, title and interest from the time of filing the original Assignment in the parent case, now U.S. Patent No. 6,727,452, to the present. The Assignment was recorded on January 3, 2002, at Reel 012451, Frame 0651.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the '765 Patent Application which would extend beyond the expiration date of

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the full statutory term defined in 35 U.S.C. §154 to §156 and §173, and as the term of said prior patent is presently shortened by any terminal disclaimer, of U.S. Patent No. 6,727,452. Assignee hereby agrees that any patent so granted on the '765 Patent Application shall be enforceable only for and during such period that it and the '452 Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the Grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

For submission on behalf of Assignee, the undersigned is the attorney of record.



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The Commissioner is hereby authorized to charge the terminal disclaimer fee in the amount of **\$130.00** to the credit card noted in the attached credit card payment form. If any additional extension and/or fee is required, charge Deposit Account No. **01-0484**.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 11th day of August, 2005.